

### REMARKS

Claims 1-7, 9, and 11-16 are pending. Claims 8 and 10 were previously cancelled without prejudice. Claims 1, 6, and 11 are independent claims. No claims are amended in this response. The claims are listed for the Office's reference. Reconsideration and allowance of the above-referenced application are respectfully requested.

#### Statement regarding Common Ownership

All claims of the present application have been rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Tso (U.S. 6,421,733) and Banga (U.S. 7,139,844). Applicants respectfully submit that Tso does not preclude patentability of the claims in the present application for the following reasons.

Under 35 U.S.C. § 103(c)(1), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, does not preclude patentability under 35 U.S.C. § 103(a) where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. *See also* MPEP § 706.02(I).

The present application (Application Serial No. 10/840,067) and Tso (U.S. 6,421,733) were, at the time the inventions of the present application were made, commonly owned by or commonly subject to an obligation to assign to Intel Corporation. In further support of this statement, attention is respectfully directed to Reel 018060, Frame 0183 and Reel 009026, Frame 0252 for the assignments of the present application and Tso, respectively. Because the present application and Tso are commonly owned or commonly subject to an obligation to assign to the same assignee, Tso does not preclude patentability of the claims in the present application.

#### 35 U.S.C. § 103

Claims 1-7, 9, 11-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tso and further in view of Smith. Because Tso qualifies as prior art

only under the provisions of 35 U.S.C. § 102(e), and in light of the above statement concerning common ownership, Tso cannot properly be relied upon to reject claims in the present application under 35 U.S.C. § 103(a). Accordingly, the rejections of all pending claims cannot be maintained. Applicants respectfully request that these rejections be withdrawn.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any credits or charges to deposit account 06-1050.

Respectfully submitted,

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